

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

ERIC BROSTEN,

Plaintiff,

vs.

U-HAUL.

Defendants.

CV 15-67-BU-BMM

**ORDER ADOPTING MAGISTRATE
JUDGE’S FINDINGS AND
RECOMMENDATIONS**

Plaintiff Eric Brosten filed a pleading in this action, together with his application for leave to proceed in forma pauperis under 28 U.S.C. § 1915(a)(1). Brosten is proceeding *pro se*. Brosten titled his pleading “Conspiracy to interfere with civil rights.” (Doc. 2 at 1.) Brosten alleges that U-haul denied him access to his storage unit and has criminally disposed of his personal property. (Doc. 2.) Brosten requests that this Court grant him “39% of four trillion”—presumably Brosten means four trillion dollars.

United States Magistrate Judge Jeremiah Lynch entered Findings and Recommendations in this matter on November 13, 2015. (Doc. 3.) Judge Lynch recommended that the Court dismiss the pleading as frivolous as it “fails to state any claim upon which relief can be granted.” (Doc. 3 at 4.) The Court determined

that the pleading cannot be cured by amendment. (Doc. 3 at 6.) Brosten filed no objections to Judge Lynch's Findings and Recommendations. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Lynch's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court possesses authority to deny leave to proceed in forma pauperis at the outset if it appears from the face of the pleading that the action proves frivolous or without merit. *Minette v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir. 1998). A pleading is frivolous when it presents no "arguable basis in law or fact." *Franklin v. Murphy*, 745 F.2d 1221, 1255 (9th Cir. 1984). Brosten has presented no arguable basis in law or fact. The Court may dismiss a pro se complaint without leave to amend when "it is absolutely clear that the deficiencies of the complaint could not be cured by amendment." *Weilburg v. Shapiro*, 488 F.3d 1202, 1205 (9th Cir. 2007). No basis exists for the Court to award Brosten the relief that he seeks. The Court finds no error in Judge Lynch's Findings and Recommendations, and adopts them in full.

Accordingly, **IT IS SO ORDERED** that Brosten's request to proceed in forma pauperis (Doc. 1) under 28 U.S.C. § 1915(a)(1) is **DENIED** and this action shall be **DISMISSED**.

DATED this 7th Day of December, 2015.



Brian Morris
United States District Court Judge